



FEDERAL ELECTION COMMISSION
Washington DC 20463

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THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2104

DATE SCANNED 11-28-10

SCANNER NO. 2

SCAN OPERATOR IMP



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 SEP 11 P 4: 05

September 11, 2009

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ROBERT HICKEY *PHS, R 4*
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JH*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NUE* NATALIYA IOFFE/RHIANNON MAGRUDER *RM*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2009 MID-YEAR
REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2009 Mid-Year Report in accordance with 2 U.S.C. § 434(a). The Mid-Year Report was due on July 31, 2009.

The committees listed in the attached RTB Circulation Report either filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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9/11/2009 10:30 AM

Federal Election Commission
Reason to Believe Circulation Report
2009 MID-YEAR REPORT Not Election Sensitive 07/31/2009 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2104	C00453514	BLACK AMERICANS FOR REAL CHANGE	SELENA OWENS	\$100,346	0	8/17/2009	17	\$100,346	\$2,785
2105	C00381517	DEMOCRATIC ADVANCEMENT PAC	CRAMER, CHRISTOPHER R.	\$119,843	2		Not Filed	\$119,843 (est)	\$7,425
2106	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE	KEGERREIS, LEIGH	\$183,197	2		Not Filed	\$183,197 (est)	\$9,075

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2009)
Mid-Year Report for the Administrative)
Fine Program:)
BLACK AMERICANS FOR REAL) AF# 2104
CHANGE, and SELENA OWENS as)
treasurer;)
DEMOCRATIC ADVANCEMENT PAC,) AF# 2105
and CRAMER, CHRISTOPHER R. as)
treasurer;)
MONROE COUNTY DEMOCRATIC) AF# 2106
COMMITTEE, and KEGERREIS, LEIGH)
as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on September 15, 2009 the Commission took the following actions on the
Reason To Believe Recommendation - 2009 Mid-Year Report for the Administrative
Fine Program as recommended in the Reports Analysis Division's Memorandum dated
September 11, 2009, on the following committees:

AF#2104 Decided by a vote of 6-0 to: (1) find reason to believe that BLACK
AMERICANS FOR REAL CHANGE, and SELENA OWENS as treasurer violated 2
U.S.C. 434(a) and make a preliminary determination that the civil money penalty would
be the amount indicated on the report; (2) send the appropriate letter. Commissioners
Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for
the decision.

AF#2105 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRATIC ADVANCEMENT PAC, and CRAMER, CHRISTOPHER R. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Peterson, Walther, and Weintraub voted affirmatively for the decision.

AF#2106 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Peterson, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 15, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 16, 2009

Selena Owens as Treasurer
Black Americans for Real Change
2474 106 Walnut St.
Cary, NC 27518

C00453514
AF#: 2104

Dear Ms. Owens:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period through June 30th, shall be filed no later than July 31st. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 17, 2009, 17 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 15, 2009, the FEC found that there is reason to believe ("RTB") that Black Americans for Real Change and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 31st. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,785. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,785 is due within forty (40) days of the finding, or by October 25, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$100,346
Number of Days Late: 17
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 25, 2009. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Black Americans for Real Change and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiamon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,785 for the 2009 Mid-Year Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 25, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Black Americans for Real Change

FEC ID#: C00453514

AF#: 2104

PAYMENT DUE DATE: October 25, 2009

PAYMENT AMOUNT DUE: \$2,785



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 NOV 10 P 12: 26

November 10, 2009

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: JOHN D. GIBSON *JG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *RM*
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL DETERMINATION
RECOMMENDATION FOR THE 2009 MID-YEAR REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2009 Mid-Year Report. The first list represents the committee that has paid the civil money penalty and the second list represents the committee that has not paid the civil money penalty. The committee that has not paid has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Monroe County Democratic Committee (AF 2106) paid the civil money penalty assessed at RTB. However, the committee filed the 2009 Mid-Year Report after the RTB finding and disclosed a level of activity which would result in no civil money penalty. The committee disclosed total receipts and disbursements of \$0 (previously estimated to be \$183,197), thus the fine would be lowered from \$9,075 to \$0. We will therefore issue a refund for the difference (\$9,075).

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RAD Recommendation

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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11/10/2009 7:56 AM

Federal Election Commission
FD Circulation Report Fine Paid
2009 MID-YEAR REPORT Not Election Sensitive 07/31/2009 UNAUTH

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
2106	MONROE COUNTY DEMOCRATIC COMMITTEE	C00376384	LEIGH KEGERREIS	11/5/2009	Not Filed	\$0	2	09/15/2009	\$9,075	\$0	10/30/2009	\$9,075

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11/10/2009 7:56 AM

Federal Election Commission
FD Circulation Report Fine Not Paid
2009 MID-YEAR REPORT Not Election Sensitive 07/31/2009 UNAUTH

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2104	BLACK AMERICANS FOR REAL CHANGE	C00453514	SELENA OWENS	08/17/2009	17	\$100,346	0	09/15/2009	\$2,785	56	\$2,785

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program – Final) AF 2104
Determination Recommendation for the)
2009 Mid Year Report: Black Americans)
for Real Change and Selena Owens,)
Treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on November 12, 2009, the Commission decided by a vote of 6-0 to
take the following actions in AF 2104:

1. Make a final determination that Black Americans for Real Change and Selena Owens, Treasurer, violated 2 U.S.C. § 434(a) and assess the final civil money penalties in the amount of \$2,785.
2. Send the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and

Weintraub voted affirmatively for the decision.

Attest:

November 13, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 17, 2009

Selena Owens as Treasurer
Black Americans for Real Change
2474 106 Walnut St.
Cary, NC 27518

C00453514
AF#: 2104

Dear Ms. Owens:

On September 15, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Black Americans for Real Change and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2009 Mid-Year Report. By letter dated September 16, 2009, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$2,785 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, its treasurer was required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on November 12, 2009 that you as treasurer and Black Americans for Real Change violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$2,785 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$100,346
Number of Days Late: 17
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

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2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhianon Magruder at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Steven T. Walther
Chairman

10092651808

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,785 for the 2009 Mid-Year Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Black Americans for Real Change

FEC ID#: C00453514

AF#: 2104

PAYMENT AMOUNT DUE: \$2,785

**ELECTRONIC CERTIFICATION AGREEMENT FOR
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: November 18, 2009

The Creditor Agency agrees that:

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency ("Agency") to the Financial Management Service ("FMS"), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program. (Cross-Servicing).;
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
 1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated.
 2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset.
 - b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
 - c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
 - d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

- e. For debts outstanding more than ten years on or before December 31, 2009, the notice described in paragraph 3.b. was sent to the debtor after the debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any debt that could be collected by offset without regard to any time limitation prior to December 31, 2009 (e.g., student loans debt, judgments).

4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
- i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

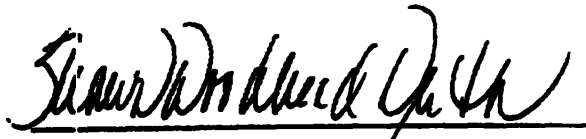
- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
- i. that the debt is overdue,
- ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
- iii. of the specific information to be disclosed to the consumer reporting agency, and
- iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative appeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

ATTACHMENT A
TREASURY CROSS-SERVICING PROGRAM
CERTIFICATION TERMINOLOGY

For purposes of the foregoing Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing program. (Please note this form is not for use by creditor agencies that submit their debts via manual transmission.):

1. **Electronic Transmission.** Any transmission from creditor agencies to the Cross-Servicing Program via any form of electronic media (including, but not limited to, tapes, diskettes, and on-line access), as more particularly described in Step 7; Electronic Format in the "Cross-servicing Implementation Guide", dated November 1998, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.
2. **Add Records.** Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing. Add Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.
3. **Update Records.** Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies. Update Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.

200,- paid on 8/18/10

For Admin fine # 2104 (\$ 2785.-)

↑
FD fine amt.

10092651814

usbancorp.
First Bank Services Corporation

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000020000 BA# 1 08-17-10 20 4



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Delena Duenas

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South Embury 11th
Anchorage, Alaska

Admin fine 2104

Pay Only This Amount

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511277661



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2104

DATE SCANNED 11-22-10

SCANNER NO. 2

SCAN OPERATOR JmN

10092651815